

Serial No. 09/874,837
Amdt. dated December 10, 2004
Reply to Office Action of September 13, 2004

Attorney Docket No. PF02193NA

REMARKS/ARGUMENTS

Claims 1 through 14 remain in this application. Claims 1, 4, 8, 11 and 14 have been amended.

Claims 4, 11, and 14 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 4 and 11 are hereby amended to replace the language "at substantially the same time", and claim 14 is hereby amended to depend from claim 8 instead of claim 1. Reconsideration and withdrawal of the 35 U.S.C. §112 rejection of claims 4, 11 and 14 are respectfully requested.

Claims 1 through 5 and 8 through 12 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,907,677 to Glenn, et al. ("Glenn, et al. patent") in view of U.S. Patent No. 5,193,151 to Jain ("Jain patent"). Claims 6 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Glenn, et al. patent in view of the Jain patent and U.S. Patent No. 6,587,450 to Pasanen ("Pasanen patent"). Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over the Glenn, et al. patent in view of the Jain patent and U.S. Patent No. 5,712,587 to Schauder, et al. ("Schauder, et al. patent").

Claim 1 as amended provides, *inter alia*, adjusting transmission timing of chat messages based on said link latency in order to synchronize communication of chat messages and claim 8 as amended provides, *inter alia*, similar language. Support for the above language is provided at page 14, lines 6 through 9, of the specification.

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In contrast, the Jain patent describes a system for avoiding congestion to accomplish high throughput at low latency in a network. In particular, TCP window size or packet rate are adjusted to manage the load. The Jain patent does not describe or suggest synchronizing communication of chat messages, as required by claims 1 and 8. Likewise, the Glenn, et al. patent, the Pasanen patent, and the Schauder, et al. patent do not describe or suggest any type of system or method that synchronizes communication of chat messages. Therefore claims 1 and 8 distinguish patentably from the Glenn, et al. patent, the Jain patent, the Pasanen patent, the Schauder, et al. patent, and any combination of these patents.

Claims 2 through 7 and 9 through 14 depend from and include all limitations of independent claims 1 and 8 as amended. Therefore claims 2 through 7 and 9 through 14 distinguish patentably from the Glenn, et al. patent, the Jain patent, the Pasanen patent, the Schauder, et al. patent, and any combination of these patents for the reasons stated above for amended claims 1 and 8.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 1 through 14 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

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The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

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